

Serial Number: 09/738,208

Docket Number: 10005368-1

REMARKS

Upon entry of this response, claims 1-17 remain pending in the present application. Applicant respectfully requests reconsideration of the pending claims in view of the following remarks.

In item 4 of the Office Action, claims 1-17 have been rejected under 35 U.S.C. §102(b) as being anticipated over U.S. Patent 5,953,733 issued to Langford-Wilson (hereafter "Langford"). Anticipation under §102 "requires the disclosure in a single prior art reference of each element of the claim under construction." W.L. Gore & Associates, Inc. v. Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983). For the reasons that follow, Applicant asserts that Langford fails to show or suggest each of the elements of claims 1-17 as originally filed. Accordingly, Applicant requests that the rejection of claims 1-17 be withdrawn.

To begin, claim 12 recites as follows:

12. A method for pruning an article, comprising the step of:
automatically reducing a length of an original article in a computer system to fit within a predefined space allocation of a publication.

With respect to claim 12, the Office Action states:

"In regard to independent claim 12, '733 [Langford] teaches, automatically builds the final layout, including transparently resizing the selected layout and its elements to suit the new size specified by the user, in accordance with the rules that have been defined for that layout, col. 4, lines 5-9; compare with claim 12 "automatically reducing a length of an original article in a computer system to fit within a predefined space allocation of a publication" (i.e. newshole: we have used this term to describe a component of a page, see '733 col. 2, line 43-44)." (Office Action, Page 2)

Applicant respectfully disagrees. Specifically, at col. 3, lines 58-60, and col. 4, lines 5-8, Langford states:

"IV. It facilitates the selection and usage of layouts (from a database) in accordance with the predefined design style. To achieve this, it:

...
Automatically builds the final layout, including transparently resizing the selected layout and its elements to suit the new size specified by the user, in accordance with the rules that have been defined for that layout..."

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In this respect, Langford discusses resizing a layout including the newsholes included therein to accord with a predefined styl specified by the publisher. In contrast, claim 12 sets forth reducing a length of an article in a computer system to fit within a predefined space allocation of a publication. In this respect, the total length of the article itself is reduced by eliminating text from the article. The elimination of the text is performed as the predefined space allocation is static.

The size of the newsholes of Langford are adjusted themselves—text is not discarded. Nowhere does Langford show or suggest the concept of reducing the article in the manner claimed. Consequently, Langford does not have to address the issue of whether the content of an article has been compromised due to a reduction in length as provided by the present invention.

In view of the heavy burden for a prima facie case of anticipation under §102(b), Applicant asserts that Langford fails to show or suggest each of the elements of claim 12 and, each of the elements of claim 1 that incorporate subject matter similar in scope with that of claim 12. Accordingly, Applicant respectfully requests that the rejection of claims 1 and 12 be withdrawn.

In addition, claims 2-6 and 13-17 depend from claims 1 and 12, respectively. Accordingly, Applicant requests that the rejection of claims 2-6 and 13-17 be withdrawn as depending from claims 1 and 12.

In addition, claim 13 provides:

13. The method of claim 12, wherein the step of automatically reducing the length of the original article in a computer system further comprises the steps of:
storing the original article in a memory of the computer system;
creating a pruning copy of the original article to be reduced;
storing the pruning copy in the memory;
removing an amount of content from the pruning copy; and
comparing a pruned content of the pruning copy with a content of the original article to determine an informational adequacy of the pruned content.

With respect to claim 13, the Office Action states:

"In regard to dependent claim 13, '733 [Langford] teaches, allow the publication to store/remove sections, styles, families, children and cousins to/from the database, col.5, lines 37-38; compare with claim 13 "storing the original article in a memory of

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the computer system", and "storing the printing copy in the memory",

'733 also teaches, a newshole is filled in accordance with a design, and resizing of a newshole takes place if the fit is not in accordance with predetermined criteria, col. 3, lines 4-7; compare with claim 13 "creating a pruning copy of the original article to be reduced",

'733 also teaches, automatically adjusting the layout (or its elements) to accommodate or suit the user's manual edits; and/or suggesting that an entirely different layout would be more appropriate according to the predefined design style; and/or allowing the user to accept that suggestion, at which point the software may automatically build a new layout and/or use it to replace the previous one, col. 4, lines 15-22; compare with claim 13 "comparing a pruned content of the pruning copy with the content of the original article to determine an informational adequacy of the pruned content". (Office Action, page 3)

Applicant respectfully disagrees with the above contentions. For example, at column 3, lines 4-7 cited in the Office Action, Langford states:

"The present invention provides a system, apparatus and/or method of preparing or editing text for publishing in which: a newshole is filled in accordance with a design, and resizing of the newshole takes place if the fit is not in accordance with predetermined criteria. Advantageously, if the newshole is resized, any number of the layout elements may also be resized."

Applicant asserts that the above section fails to show or suggest creating a copy of an original article that is to be reduced in length as claimed in claim 13.

In addition, at column 5, lines 37-38 cited in the Office Action, Langford states:

"The present invention, in one form, provides tools for configuring, managing and populating the database. These tools are preferably but not essentially provided through menu bars and other computer functions within the application. They allow the publication to store/remove sections, styles, families, children and cousins to/from the database."

Applicant asserts that the above excerpt from Langford fails to show or suggest the concept of storing both the original article in a memory and a pruning copy of the original article in the memory. After all, if making a pruning copy from an original article is not shown or suggested, how is it that the two files would then be stored in a memory?

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In addition, at column 4, lines 15-22 cited in the Office Action, Langford states:

"Depending on the nature and circumstances of those changes and the dictates of the predefined design rules, the present invention may further assist the user by: automatically adjusting the layout (or its elements) to accommodate or suit the user's manual edits; and/or suggesting that an entirely different layout would be more appropriate according to the predefined style; and/or allowing the user to accept that suggestion, at which point the software may automatically build a new layout and/or use it to replace the previous one."

Applicant asserts that the above excerpt fails to show or suggest the concept of comparing the pruned content of the printing copy with the content of the original article to determine an informational adequacy of the printed content. In this respect, Langford fails to even discuss the performance of any comparison as set forth in claim 13. Rather, Langford merely discusses adjusting a layout that was edited by a user in view of "predefined design rules." Accordingly, for the above additional reasons, Applicant requests the rejection of claim 13 be withdrawn.

In addition, claim 14 provides:

14. The method of claim 13, wherein the step of removing an amount of content from the pruning copy further comprises the step of removing a last paragraph of the pruning copy.

With respect to claim 14, the Office Action states:

"In regard to dependent claim 14, '733 teaches, provides a mechanism by which text and images for publishing can be prepared and/or edited, col. 1, lines 6-7; compare with claim 14 "removing a last paragraph of the pruning copy". (Office Action, Page 3).

Applicant respectfully disagrees. Specifically, at column 1, lines 6-7, Langford states:

"Particularly, but not exclusively, the present invention is directed at the layout of newsholes."

A newshole is an area within which content such as an article is placed. In this respect, Langford discusses laying out newsholes for a respective newspaper to maintain the pre-existing style of the newspaper. Nowhere does Langford discuss pruning articles as set forth in the claims of the present application. In addition, the above cited excerpt from Langford fails to specifically discuss the concept of

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removing a last paragraph of the printed copy as set forth in claim 14. Indeed, the excerpt fails to even mention the concept of a paragraph. In addition, upon close scrutiny, it is apparent that nowhere does Langford show or suggest the concept of removing a paragraph from an article to prune the content of an article so as to fit the content within a given static space allocation of a publication. Accordingly, Applicant requests for these additional reasons that the rejection of claim 14 be withdrawn.

In addition, claim 15 provides as follows:

15. The method of claim 13, wherein the step of comparing a pruned content of the pruning copy with a content of the original article to determine an informational adequacy of the pruned content further comprises the steps of:

obtaining a first value measuring the content of the original article by performing an analysis of the content of the original article;

obtaining a second value measuring the content of the pruning copy by performing an analysis of the content of the pruning copy; and

comparing a ratio of the first value to the second value to a predefined threshold ratio.

With respect to claim 15 above, the Office Action states:

"In regard to dependent claim 15, '733 teaches, reads the size of the target layout, notes the section and the layout style requested, and searches for families within the section/style which contain children whose minimum size is smaller than or equal to the targets and whose maximum size is equal to or greater than the targets, col. 8, lines 45-50; compare with claim 15 "obtaining a first value measuring the content of the original article by performing an analysis of the content of the original article, obtaining a second value measuring the content of the pruning copy by performing an analysis of the content of the pruning copy; and comparing a ratio of the first value to the second value to a predefined threshold ratio"." (Office Action, Pages 3-4)

Applicant respectfully disagrees with these contentions. Specifically, at column 8, lines 35-50 partially cited in the Office Action above, Langford states:

"This will open a separate computer window. If the Layout application system being used in conjunction with the present invention is able to tell the present invention which Section the current page belongs to, the present invention will by default select that Section. If not, or if the current Section's Layouts are not actually desired, the user may select a Section manually.

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With the desired Section specified, the user selects a Layout Style. The possibilities, as defined in the database, are listed in the present invention's window.

When this is done, the present invention reads the size of the target layout, notes the Section and Layout Style requested, and searches for Families within the Section/Style which contain Children whose minimum size is smaller than or equal to the target's and whose maximum size is equal to or greater than the target's."

Applicant respectfully asserts that in neither the above excerpt, nor anywhere else does Langford show or suggest obtaining a first value measuring the content of the original article by performing an analysis of the content of the original article. Specifically, how does Langford discuss that an analysis of a content of an article is performed and a measurement taken? In addition, Applicant asserts that Langford fails to show or suggest obtaining a second value measuring the content of the pruning copy of the article by performing the analysis of the content of the pruning copy. In this respect, where does Langford discuss an analysis of the content of a pruning copy? Also, where is the second value that measures this content of the pruning copy obtained? Finally, nowhere does Langford discuss comparing a ratio of the first value to the second value to a predefined threshold ratio to determine whether the content may be compromised in the pruning copy due to the reduction of its length. In this respect, no such comparison is discussed in either the cited excerpt, or any other portion of Langford. Accordingly, for these additional reasons, Applicant requests that the rejection of claim 15 be withdrawn.

In addition, claims 16 and 17 provide as follows:

16. The method of claim 13, wherein the step of automatically reducing the length of the original article in a computer system further comprises the step of discarding the original article and the pruned copy if the informational adequacy of the pruned content is insufficient to publish.

17. The method of claim 13, wherein the step of automatically reducing the length of the original article further comprises the step of including the pruned copy in a publication if the informational adequacy of the pruned content is sufficient to publish.

With respect to claims 16 and 17 above, the Office Action states:

"In regard to dependent claim 16, and 17, '733 teaches, automatically adjusting the layout (or its elements) to accommodate or suit the user's manual edits; and/or suggesting that an entirely

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different layout would be more appropriate according to the predefined design style; and/or allowing the user to accept that suggestion, at which point the software may automatically build a new layout and/or use it to replace the previous one, col. 4, lines 15-22; compare with claim 16 "discarding the original article and the pruned copy if the informational adequacy of the pruned content is insufficient to publish", and to claim 17 "including the pruned copy in a publication if the informational adequacy of the pruned content is sufficient to publish". (Office Action, Page 4)."

Applicant disagrees with the above contentions. Specifically, at column 3, lines 57-60 and column 4, lines 10-23 partially cited in the Office Action, Langford states:

"IV. It facilitates the selection and usage of layouts (from a database) in accordance with the predefined designed style. To achieve this, it:

...

F. automatically monitors any further edits that the user may make to the layout after it is drawn, and measures these against predefined design rules. Depending on the nature and circumstances of those changes and the dictates of the predefined design rules, the present invention may further assist the user by: automatically adjusting the layout (or its elements) to accommodate or suit the user's manual edits; and/or suggesting that an entirely different layout would be more appropriate according to the predefined design style; and/or allowing the user to accept that suggestion, at which point the software may automatically build the new layout and/or use it to replace the previous one.

In this respect, Langford discusses the concept of checking the edits that a user may make to a layout of a newspaper page to ensure that such edits conform with a layout style of the paper. Specifically, Langford checks all edits against pre-existing design rules to determine whether the edits are acceptable and make suggestions as to alternatives if it is determined that the edits a user makes to the layout are not acceptable.

Claims 16 and 17 address discarding or including the pruned copy of the original article if the informational adequacy of the pruned content for the pruned copy is or is not deemed sufficient for publishing. Langford simply fails to show or suggest the concept of keeping or discarding pruned content of an article in this manner. Rather, Langford addresses the general layout of newsholes in a newspaper. It does not show or suggest pruning a particular article by removing text and then

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determining whether to discard the article as claimed in claims 16 and 17.

Accordingly, Applicant requests that the rejection of claims 16 and 17 be withdrawn.

Finally, it is noted that claims 1-11 have been rejected for the same rationale as applied to claims 12-17. Accordingly, Applicant asserts that the rejection of claims 1-11 is improper for the same reasons discussed above with respect to claims 12-17. Accordingly, Applicant requests that the rejection of claims 1-11 be withdrawn.

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicant's Response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,



Michael J. D'Aurelio
Reg. No. 40,977

D'Aurelio & Mathews, LLC
96 Church Street
Chagrin Falls, Ohio 44022
Phone: (440) 729-7450
Fax: (440) 729-7465